

EXHIBIT 23

Videotaped Deposition of
Elizabeth Tzetzso
March 15, 2023

Freeman

vs.

Deebs

Confidential



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Freeman vs.
Deebs

Elizabeth Tzetzso

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 ***CONFIDENTIAL TRANSCRIPT***
4 -----x
5 LYNNE FREEMAN, an individual,
6 Plaintiff,
7 -against- Civil Action No.
8 TRACEY DEEBS-ELKENANEY P/K/A 1:22-cv-02435-LLS
9 TRACY WOLFF, an individual,
10 EMILY SYLVAN KIM, an individual,
11 PROSPECT AGENCY, LLC, a New
12 Jersey limited liability company,
13 ENTANGLED PUBLISHING, LLC, a
14 Delaware limited liability company,
15 ***CAPTION CONTINUED***
16 -----x
17 VIDEOTAPED STENOGRAPHIC DEPOSITION OF:
18 ELIZABETH TZETZO
19 Wednesday, March 15, 2023
20 New York, New York
21 10:12 a.m. - 12:41 p.m.
22 HYBRID DEPOSITION
23
24 Reported stenographically by:
25 Richard Germosen, FAPR, CA CSR No. 14391
RDR, CRR, CCR, CRCR, CSR-CA, NYACR, NYRCR
NCRA/NJ/NY/CA Certified Realtime Reporter
NCRA Realtime Systems Administrator
Job No. 10115789

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Freeman vs.
Deebs

Elizabeth Tzetzso

1 -----x

2 ***CAPTION CONTINUED***

3 HOLTZBRINCK PUBLISHERS, LLC

4 D/B/A MACMILLAN, a New York

5 limited liability company,

6 and UNIVERSAL CITY STUDIOS, LLC,

7 a Delaware limited liability company,

8 Defendants.

9 -----x

10 VIDEOTAPED TELECONFERENCED STENOGRAPHIC

11 DEPOSITION of ELIZABETH TZETZO, taken in the

12 above-entitled matter before RICHARD GERMOSEN, Fellow of

13 the Academy of Professional Reporters, Certified Court

14 Reporter, (License No. 30XI00184700), Certified Realtime

15 Court Reporter-NJ, (License No. 30XR00016800),

16 California Certified Shorthand Reporter, (License No.

17 14391), NCRA/NY/CA Certified Realtime Reporter, NCRA

18 Registered Diplomate Reporter, New York Association

19 Certified Reporter, NCRA Realtime Systems Administrator,

20 taken at the offices of REITLER KAILAS & ROSENBLATT LLP,

21 885 Third Avenue, New York, New York 10022, on

22 Wednesday, March 15, 2023, commencing at 10:12 a.m.

23

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Elizabeth Tzetzio

1 A P P E A R A N C E S:
2
3
4 DONIGER / BURROUGHS APC
5 BY: STEPHEN M. DONIGER, ESQ.
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11
12 COWAN DeBAETS ABRAHAMS & SHEPPARD LLP
13 BY: NANCY E. WOLFF, ESQ.
14 -and-
15 BY: CECE COLE, ESQ., (Via Zoom)
16 41 Madison Avenue
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22 Attorneys for the Defendants,
23 Tracy Deebs-Elkenaney P/K/A Tracy Wolff; Entangled
24 Publishing, LLC, Holtzbrinck Publishers, LLC, D/B/A
25 Macmillan; Universal City Studios, LLC

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**Freeman vs.
Deebs**

Elizabeth Tzetzso

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ALSO PRESENT:

JASON DUBINSKI, Legal Video Specialist

WENDY SZYMANSKI, ESQ., Macmillan

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Deebs

Elizabeth Tzetzso

1 Q. Is there one of those -- who -- how
2 do I ask this? Do all six of the people under
3 you -- and I guess the seven of you collectively, do
4 you all service all 14 of those clients or are
5 clients given to particular client service managers?

6 ATTORNEY WOLFF: Object to form.

7 You can answer just so it's clear.

8 ATTORNEY DONIGER: Not the best
9 question in the world.

10 A. We assign a client account manager to
11 each publisher.

12 Q. All right. Who is the client account
13 manager for Entangled?

14 A. Veronica Gonzalez.

15 Q. And just to be clear, you didn't
16 speak with Ms. Gonzalez today to gather any
17 information for this deposition?

18 A. I did not.

19 Q. All right.

20 (Whereupon, previously marked
21 document entitled Distribution Agreement,
22 MAC0000099, is received and marked as Exhibit 55 for
23 Identification.)

24 BY ATTORNEY DONIGER:

25 Q. So I'm going to hand you what's been

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Freeman vs.
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Elizabeth Tzetzto

1 previously marked as exhibit 55. It's a copy of the
2 distribution agreement, the original distribution
3 agreement for 2013 between Entangled and Macmillan.

4 Have you seen this document before?

5 A. I have.

6 Q. All right. And do I understand
7 correctly that pursuant to the terms of this
8 agreement, Macmillan is the exclusive distributor
9 for Entangled?

10 A. Yes.

11 ATTORNEY WOLFF: Object to the form.

12 You can answer.

13 THE WITNESS: Okay.

14 ATTORNEY WOLFF: You can answer.

15 A. Yes, we are the exclusive
16 distributor.

17 BY ATTORNEY DONIGER:

18 Q. All right.

19 And, in fact, under grant -- I'm just
20 reading the first sentence. It says: By entering
21 into this agreement, the publisher grants Macmillan
22 for the term of this agreement the exclusive right
23 to distribute throughout the world all print books
24 and e-books that are published or scheduled for
25 publication by the publisher during the term of this

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Elizabeth Tzetzto

1 agreement.

2 It goes on a bit from there.

3 You understand that to mean, just

4 sort of like the plain language definition, that

5 everything that they put out, publish, you

6 distribute for them in terms of books and e-books;

7 right?

8 A. Yes.

9 Q. How many -- do you know how many

10 books Macmillan is currently distributing for

11 Entangled?

12 A. I do not. I'd have to do a little

13 bit of research.

14 Q. Okay. Do you have any estimate?

15 A. We publish about 60 to 70 new

16 physical books a year and hundreds of e-books each

17 year.

18 Q. Okay. For Entangled?

19 A. For Entangled.

20 Q. All right. And Ms. Gonzalez would be

21 overseeing all of that?

22 A. Yes.

23 Q. And it was pursuant to this

24 agreement, exhibit 55, that Macmillan has

25 distributed the Crave series; right?

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Elizabeth Tzetzto

1 A. Yes.

2 Q. And I understand there have been a
3 few amendments to this agreement. Those have all
4 been put into evidence. I'm not going to waste your
5 time with them, but they are what they are. Okay.

6 So since 2013, Macmillan has been
7 consistently distributing for Entangled; right?

8 A. Yes.

9 Q. What is an ISBN number?

10 A. An ISBN number is the identifier for
11 each book. It's the standard identifier for the
12 book publishing industry.

13 Q. Who assigns the ISBN numbers, if you
14 know?

15 A. I don't want to give you incorrect
16 information. I don't know.

17 Q. Yeah, and that's perfectly fine. "I
18 don't know" is always a perfectly fine answer.

19 A. Yeah.

20 Q. All right.

21 ATTORNEY DONIGER: So let's go ahead
22 and mark -- what are we on?

23 CERTIFIED STENOGRAPHER: 76 is next.

24 ATTORNEY DONIGER: Go ahead and mark
25 as 76 a document that was produced in discovery by

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C E R T I F I C A T E

I, RICHARD GERMOSEN, Fellow of the Academy of Professional Reporters, stenographic New Jersey Certified Court Reporter, New Jersey Certified Realtime Court Reporter, California Certified Shorthand Reporter, California Certified Realtime Reporter, NCRA Registered Diplomate Reporter, and NCRA Certified Realtime Reporter, do hereby certify:

That ELIZABETH TZETZO, the witness whose deposition is hereinbefore set forth, having been duly sworn, and that such deposition is a true record of the testimony of said witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of March 2023.



RICHARD GERMOSEN,
FAPR, RDR, CRR, CCR-NJ, CRCR, CSR-CA, CCRR-CA,
NYACR, NYRCR
LICENSE NO. 30XI00184700
LICENSE NO. 30XR00016800
California CSR No. 14391
California CRR No. 198

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Deebs

Elizabeth Tzetzo

1 DECLARATION UNDER PENALTY OF PERJURY

2 Case Name: Freeman vs. Deebs

3 Date of Deposition: 03/15/2023

4 Job No.: 10115789

5

6 I, ELIZABETH TZETZO, hereby certify
7 under penalty of perjury under the laws of the State of
8 _____ that the foregoing is true and correct.

9 Executed this _____ day of
10 _____, 2023, at _____.

11

12

13

14

ELIZABETH TZETZO

15

16 NOTARIZATION (If Required)

17 State of _____

18 County of _____

19 Subscribed and sworn to (or affirmed) before me on
20 this _____ day of _____, 20__,

21 by _____, proved to me on the
22 basis of satisfactory evidence to be the person
23 who appeared before me.

24 Signature: _____ (Seal)

25